

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**May 21, 2013**

Diane M. Fremgen  
Clerk of Court of Appeals

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal Nos. 2013AP565  
2013AP566  
2013AP567**

**Cir. Ct. Nos. 2011TP282  
2011TP283  
2011TP284**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT I**

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**IN RE THE TERMINATION OF PARENTAL RIGHTS TO AMELLYAH H., A PERSON  
UNDER THE AGE OF 18:**

**STATE OF WISCONSIN,**

**PETITIONER-RESPONDENT,**

**V.**

**MARQUESE H.,**

**RESPONDENT-APPELLANT.**

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**IN RE THE TERMINATION OF PARENTAL RIGHTS TO AMARIYON H., A PERSON  
UNDER THE AGE OF 18:**

**STATE OF WISCONSIN,**

**PETITIONER-RESPONDENT,**

**V.**

**MARQUESE H.,**

**RESPONDENT-APPELLANT.**

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**IN RE THE TERMINATION OF PARENTAL RIGHTS TO AMYERRAH H., A PERSON  
UNDER THE AGE OF 18:**

**STATE OF WISCONSIN,**

**PETITIONER-RESPONDENT,**

**V.**

**MARQUESE H.,**

**RESPONDENT-APPELLANT.**

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APPEALS from orders of the circuit court for Milwaukee County:  
JOHN J. DI MOTTO, Judge. *Affirmed.*

¶1 FINE, J. Marquese H. appeals the orders terminating his parental rights to Ameliyah H., Amariyon H., and Amyerrah H. They are the non-marital children of Marquese H. and Holly B. Ameliyah was born in June of 2007, Amariyon was born in June of 2008, and Amyerrah was born in June of 2009. This appeal concerns only the rights of the children *vis a vis* Marquese H.; Holly B. consented to the termination of her parental rights to them. Marquese H. stipulated that there was sufficient evidence to terminate his parental rights to the children under WIS. STAT. § 48.415(1)(a)2 (abandonment), and decided to contest

only the best-interests phase of the two-part termination-of-parental-rights proceeding, *see* WIS. STAT. § 48.426(2).

¶2 A decision to terminate a person’s parental rights turns on whether that would be in the child’s best interests. *See* WIS. STAT. § 48.01(1) (“[T]he best interests of the child or unborn child shall always be of paramount consideration.”); § 48.426(2) (“The best interests of the child shall be the prevailing factor considered by the court in determining the disposition of all proceedings under this subchapter.”). Thus, the focus at the disposition phase is on the child and not on the parent. ***Richard D. v. Rebecca G.***, 228 Wis. 2d 658, 672–673, 599 N.W.2d 90, 97 (Ct. App. 1999). Whether termination of parental rights is in the child’s best interests is a discretionary decision by the circuit court. ***Brandon S.S. v. Laura S.***, 179 Wis. 2d 114, 150, 507 N.W.2d 94, 107 (1993); ***Darryl T.-H. v. Margaret H.***, 2000 WI 42, ¶27, 234 Wis. 2d 606, 620, 610 N.W.2d 475, 481.

¶3 In assessing whether termination is warranted, the circuit court must consider the factors in WIS. STAT. § 48.426 in light of the overarching focus on the child’s best interests. WIS. STAT. § 48.426(1). The factors are:

- (a) The likelihood of the child’s adoption after termination.
- (b) The age and health of the child, both at the time of the disposition and, if applicable, at the time the child was removed from the home.
- (c) Whether the child has substantial relationships with the parent or other family members, and whether it would be harmful to the child to sever these relationships.
- (d) The wishes of the child.

(e) The duration of the separation of the parent from the child.

(f) Whether the child will be able to enter into a more stable and permanent family relationship as a result of the termination, taking into account the conditions of the child's current placement, the likelihood of future placements and the results of prior placements.

WIS. STAT. § 48.426(3). Marquese H.'s argument on appeal focuses only on factor (c), contending that under *Darryl T.-H.*, the circuit court must evaluate the potentially adverse consequences of severing the family bond between him and the children. This, of course, is true. See *Darryl T.-H.*, 2000 WI 42, ¶21, 234 Wis. 2d at 618–619, 610 N.W.2d at 480–481 (“We thus interpret Wis. Stat. § 48.426(3)(c) to unambiguously require that a circuit court evaluate the effect of a legal severance on the broader relationships existing between a child and the child's birth family. These relationships encompass emotional and psychological bonds fostered between the child and the family.”). But, the circuit court did that here, noting that although Marquese H. once “had a substantial relationship with [the children], ... he doesn't any more. He really has not had a substantial relationship with these children for a long time.” The circuit court opined: “It will not be harmful to sever the legal relationship that he has with his children because he literally has chosen to sever that relationship by not being there, by not doing for them.” The circuit court also noted that the woman seeking to adopt the children “has made it real clear that all [Marquese H.] has to do is want to be involved in their lives[,]” which she would permit “so long as they're stable, safe, and appropriate.” Further, the circuit court found that there was “no evidence here that these children have a substantial relationship with the paternal family members.

There is no evidence they have a substantial, paternal, family relationship with the relatives. There is no evidence that it would be harmful to sever that relationship.”

¶4 Although Marquese H. argues that “[t]here is a very good chance that if the girls in this case were returned to [him], that as adolescents and adults they would not even remember the time in their lives where [he] was not present[,]” he does not argue that the circuit court’s findings of fact that underlie its decision to terminate his parental rights to the children are erroneous, and he also does not contend that the circuit court did not fully consider the other applicable factors. Marquese H. has not shown that the circuit court erroneously exercised its discretion. Accordingly, we affirm.

*By the Court.*—Orders affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

